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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/413,993

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JAMES E. LANDRY

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EXAMINER

SELLERS, ROBERT E

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

05/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/413,993

Applicant(s)

LANDRY ET AL.

Examiner

Robert Sellers

Art Unit

1796

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 11-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 6-10 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The election of Group I in the reply filed on August 17, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 1-5 and 11-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to non-elected inventions, there being no allowable generic or linking claim.
2. The election of a curing agent in the reply filed August 17, 2006 is not fully responsive to the election of species portion of the restriction requirement mailed November 30, 2007 (page 3). The election is not between the epoxy component mixture and curing agent, but requires elections of particular species of epoxy compound and acrylic resin such as Epon 8132 epoxy resin and Byk 361 acrylic copolymer described in the specification on page 6, lines 7 (The Byk 361 is not described on pages 5-7 wherein the components are discussed.).
3. Furthermore, the election of a particular species of curing agent is necessary such as the Epi-Cure 3164 polyamide curing agent and Jeffamine D-230 polyoxypropylene diamine set forth on page 6, line 17 and page 7, line 6, respectively. The aforementioned species of epoxy compound and acrylic resin along with polyamide and polyoxypropylene diamine curing agents are shown in the table on page 15.

4. There is no enablement for the acrylic resins defined in claim 6 under component a). The specification on page 6 somewhere in the paragraph of lines 7-16 as well as in claim 7, component d) ; claim 8, component d) and claim 9, component c) should denote an acrylic copolymer as corroborated by CAS registry no. 134633-08-2 for proper support.
5. The Epon 8161 is improperly described on page 6, line 11; incorrectly denoted in claim 7 under component b) and inaccurately named as Epon 816 on page 10, lines 14-15. Epon 8161 is a polyacrylate epoxy resin according to CAS registry no. 185228-02-8 and should be described as such on page 6, lines 11-12.
6. There is no substantiation for the wetting agent b) of claims 7 and 8, the defoamer of a polyacrylate copolymer d) of claim 7, the thixatrod d) of claim 8 and the flow control agent c) of claim 9 since nowhere in the specification are these components characterized as such. The term "thixatrod" is not an art-recognized descriptor.
7. Heloxy 9 improperly defines component c) of claim 8 by a trade name. It should be identified as a C₁₂-C₁₃ alkyl glycidyl ether as acknowledged by CAS registry no. 169313-57-9 as disclosed as such on page 6, lines 8-9 for the sake of consistency.
8. The polyetheramine curing agent b) of claim 9 is broader than the enabling disclosure which on page 7, line 6 only provides support for a polyether polyamine.
9. The word "diglycidyl" is misspelled in claim 7 under components a) and b).

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10. Component a) of claim 7 would be more concisely denoted as a diglycidyl ether of bisphenol A mixed with a C₁₂-C₁₃ alkyl glycidyl ether as corroborated by CAS registry no. 82029-76-3 for Epon 8132. Such an identification should also replace that disclosed on page 6, lines 7-8 for the sake of consistency.

The election filed August 17, 2006 is not fully responsive to the election of species portion of the restriction requirement mailed November 30, 2001 (37 CFR 1.111). Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply elections in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Robert Sellers/

Robert Sellers
Primary Examiner
Division 1796

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5/22/2008